

# Michigan's Proposed Infrastructure State Implementation Plan for the 2010 Nitrogen Dioxide NAAQS, 2010 Sulfur Dioxide NAAQS, and the 2012 Particulate Matter NAAQS

April 7, 2014

## Introduction

The Michigan Department of Environmental Quality (MDEQ) is confirming that the State of Michigan retains the authorities necessary to evaluate ambient air quality, develop plans to attain and maintain new and existing air quality standards, meet the requirements of the new source review (NSR) program, and effectively enforce all applicable requirements. Specifically, with one exception, the current Michigan State Implementation Plan (SIP) contains the resources and authority to implement and satisfactorily complete the requirements set forth in Section 110 of the federal Clean Air Act (CAA) commonly referred to as the "Infrastructure SIP" for the 2010 Nitrogen Dioxide (NO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS), the 2010 Sulfur Dioxide (SO<sub>2</sub>) NAAQS, the 2008 Ozone NAAQS, and the 2012 Particulate Matter 2.5 (PM<sub>2.5</sub>) NAAQS. This document describes Michigan's Infrastructure SIP for the above pollutants.

The MDEQ is also requesting approval to add in Civil Service Rule 2-8.3(a)(1) to the Michigan SIP. This Rule requires certain employees to disclose potential conflicts of interest on an annual basis. We are requesting that the U.S. Environmental Protection Agency (EPA) approve the rule as satisfying the general state board requirements under Section 128, as well as the applicable requirements of Section 110(a)(2)(E)(ii).

The SIP elements addressed in this document are required under Sections 110(a)(1) and (2). Section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) specifies the basic elements and sub-elements that all SIPs must contain. An opportunity for public comment and hearing was provided for this certification of SIP authority, in accordance with 40 C.F.R. part 51, appendix V2.1(g), and 40 C.F.R. section 51.102.

## Required Section 110 SIP Elements

The SIP elements indented below are excerpted from the EPA guidance on Infrastructure SIPs. The MDEQ response follows each requirement.

### **Section 110(a)(2)(A): Emission limits and other control measures**

*"Each such plan shall [...] include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter."*

In Part 55, Air Pollution Control, of the Michigan Natural Resources and Environmental Protection Act of 1994, PA 451, as amended (Act 451), MCL 324.5503 and 324.5512 provide the MDEQ director the authority to regulate the discharge of air pollutants and to promulgate rules to establish standards for ambient air quality and emissions. R 336.1801 through R 336.1834 contains emission limits for oxides of nitrogen (NO<sub>x</sub>) sources, R 336.1401 through R 336.1420 contains emission limits for SO<sub>2</sub> sources, and R 336.1301 through R 336.1374 contains emission limits for PM sources. In addition, R 336.1601 through R 336.1661 contains emission limits for Volatile Organic Compounds (VOC) existing sources and

R 336.1701 through R 336.1710 contains emission limits for VOC new sources, thus addressing Ozone precursor emissions.

The MDEQ continues to monitor, update and implement necessary and required revisions to the Michigan SIP in the form of emissions limits and other control measures in order to meet federal ambient air quality standards, including the 2010 NO<sub>2</sub> and SO<sub>2</sub> standards, the 2008 Ozone standards, and the 2012 PM<sub>2.5</sub> standards. Consistent with the EPA's guidance, this infrastructure SIP submittal does not identify nonattainment area emissions controls.

**Section 110(a)(2)(B): Ambient air quality monitoring/data system**

*"Each such plan shall [...] provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to*

- (i) monitor, compile, and analyze data on ambient air quality, and*
- (ii) upon request, make such data available to the Administrator."*

MCL 324.5503 and MCL 324.5512 of Act 451 provide the MDEQ with the authority to promulgate rules to establish ambient air quality standards. Specifically, R 336.1101(j) defines 'air quality standard' as used in MDEQ's rules as the more restrictive of the NAAQS or an air contaminant level specified by MDEQ.

In accordance with the Michigan SIP, the MDEQ maintains a comprehensive network of air quality monitors at EPA approved locations throughout Michigan, with the primary objective being to determine compliance with the NAAQS. The MDEQ monitoring network is capable of monitoring SO<sub>2</sub>, NO<sub>2</sub>, PM<sub>2.5</sub>, and Ozone at the revised NAAQS levels.

The quality assured ambient air monitoring data is submitted to the EPA Air Quality Subsystem as required by 40 CFR Section 51.320. The MDEQ submits network reviews to the EPA annually to ensure that its air monitoring operations comply with applicable federal requirements. The MDEQ most recently submitted a network review to the EPA on July 1, 2013. In addition, the MDEQ coordinates with the EPA to address any planned changes to monitoring sites.

**Section 110(a)(2)(C): Programs for enforcement of control measures and for construction/modification of stationary sources**

*"Each such plan shall [...] include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter."*

MCL 324.5515, MCL 324.5518, and MCL 324.5526-324.5532, of Act 451, as modified by Act 554 of 2012, gives the MDEQ the authority to enforce emission limitation and other control measures in air quality rules, permits, and orders.

Act 554 of 2012 added Part 14 (MCL 324.1401 through 324.1429) to Act 451, establishing the Clean Corporate Citizen (C3) program. Part 14 establishes criteria and procedures for becoming a C3 facility and the benefits accorded to C3 facilities. Benefits, under MCL 324.1421, to C3 facilities that impact the above enforcement authorities include the following:

1. Unless it had been established by clear and convincing evidence that either the C3 facility's actions posed a significant endangerment to public health, safety or welfare or that the C3 facility's violation was intentional or occurred as a result of the operator's gross negligence, the C3 facility is not subject to a civil fine or violation if the facility acted promptly to correct the violation after discovery and reporting the violation to the MDEQ within 24 hours of discovery;
2. The MDEQ shall conduct routine inspections of C3 facilities half as frequently as the inspections would be conducted for non-C3 facilities; and

3. The MDEQ shall give C3 facility operators at least 72 hours' advance notice of any routine inspection.

While this program, on its face, does restrict MDEQ enforcement ability, MCL 324.1427 states that nothing in the C3 program can be construed in a manner that conflicts with or authorizes any violation of state or federal law or regulation. Therefore, MCL 324.1401 through 324.1429 do not restrict the MDEQs enforcement authority.

R 336.1201 through R 336.1209 subjects emissions of NO<sub>x</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, and Ozone precursors from minor sources and minor modifications at major sources (known as the minor source New Source Review (NSR) program) to permit to install regulations. All of the above sources, unless exempt under R 336.1278 through R 336.1290, are subject to the minor source NSR program. To address the pre-construction regulation of the modification and construction of minor stationary sources and minor modifications of major stationary sources, the EPA approved Michigan's minor source NSR program on May 6, 1980 (45 FR 29790). The MDEQ is awaiting action by EPA on six sets of revisions to our minor NSR program SIP that were submitted to EPA from 1993 to 2009. The MDEQ has ensured that new and modified sources not captured by the major source NSR permitting programs do not interfere with attainment and maintenance of the NAAQS through the application evaluation process.

Michigan's prevention of significant deterioration (PSD) program regulations, authorized in MCL 324.5512, can be found at R 336.2801 through R 336.2823. The MDEQ submitted rule revisions on August 9, 2013, and September 19, 2013 for incorporation into the SIP to meet the applicable structural PSD requirements for infrastructure SIPs. The applicable revisions include:

1. The explicit identification of NO<sub>x</sub> as a precursor to Ozone per the Phase 2 Ozone Implementation Rule,
2. The explicit identification of NO<sub>x</sub> and SO<sub>2</sub> as precursors to PM<sub>2.5</sub> per the 2008 NSR Rule,
3. The identification and regulation of PM<sub>2.5</sub> and PM<sub>10</sub> condensables for applicability determinations and in establishing emissions limits per the 2008 Rule, and
4. The identification of the new PM<sub>2.5</sub> increments, the revised major source baseline date, trigger date, and baseline area level of significance for PM<sub>2.5</sub> per the 2010 NSR Rule.

We affirm that the MDEQ has both the legal and regulatory authority, as well as the resources, to permit Greenhouse Gas (GHG) emitting sources at the thresholds laid out in the federal Tailoring Rule, as confirmed in correspondence to the EPA dated July 27, 2010. All of the above provisions demonstrate that MDEQ has met the applicable infrastructure SIP requirements related to PSD for Section 110(a)(2)(C), i.e., these regulations contain provisions that appropriately regulate construction of new or modified stationary sources consistent with Part C.

#### **Section 110(a)(2)(D)(i): Interstate pollution transport**

*"Each such plan shall [...] contain adequate provisions prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will—*

*(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or*

*(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C of this subchapter to prevent significant deterioration of air quality or to protect visibility."*

With respect to Section 110(a)(2)(D)(i)(I) of the CAA, which requires plans to have provisions prohibiting sources to emit air pollutants in amounts that would contribute significantly to nonattainment in, or interfere with maintenance by, any other state, Michigan notes that EPA's September 2013 multipollutant infrastructure SIP guidance does not address these requirements.

On January 20, 2012, EPA determined that no area in the country is in violation of the 2010 NO<sub>2</sub> NAAQS, thus Michigan's NO<sub>2</sub> emissions cannot be significantly contributing to nonattainment of this NAAQS in any other state. Michigan is not subject to any finding of significant contribution to any other state's attainment or maintenance at this time.

As described in the section addressing the requirements of Section 110(a)(2)(C), the MDEQ has met all of the applicable infrastructure SIP requirements as they relate to PSD, i.e., the provisions that satisfy the requirements in Section 110(a)(2)(C) also satisfy any applicable requirements contained in Section 110(a)(2)(D)(i)(I). In addition, the MDEQ's nonattainment NSR regulations adequately address the obligation to ensure that sources in nonattainment areas do not interfere with a neighboring state's PSD program. These rules can be found in R 336.2901 through R 336.2908 and were approved as part of Michigan's SIP on June 20, 2008.

Also, to protect visibility, effective October 30, 2013, the MDEQ has an approved regional haze SIP, with the exception of the Best Available Retrofit Technology (BART) requirements for four facilities. There are Federal Implementation Plans in affect to correct alleged SIP deficiencies related to BART for these four facilities.

**Section 110(a)(2)(D)(ii): Interstate pollution abatement and international air pollution**

*"Each such plan shall [...] contain adequate provisions insuring compliance with the applicable requirements of sections 126 and 115 of this title (relating to interstate and international pollution abatement)."*

MDEQ's approved PSD program, particularly at R 336.2817, contains provisions required under Section 126(a) to notify neighboring states (and tribal nations) of potential impacts from a new or modified major source. Michigan has no other obligations under any other part of Section 126, i.e., no source(s) within the state of Michigan are subject to an active finding under Section 126 with respect to any of the NAAQS referenced in this rulemaking. Section 115 of the federal Clean Air Act relates to international pollution abatement. There are no findings under Section 115 of the CAA for the state of Michigan with respect to the particular NAAQS at issue.

**Section 110(a)(2)(E): Adequate resources and authority, conflict of interest, and oversight of local governments and regional agencies**

*"Each such plan shall [...] provide:*

*(i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof),*

*(ii) requirements that the State comply with the requirements respecting State boards under section 128 of this title, and*

*(iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision."*

The MDEQ SIP air program is funded through Section 105 and 103 grants and matching funds via the State's General Fund. These funding sources are expected to remain stable for the next five years and projected into the future. Act 451 and Executive Reorganization Order 2011-1 provides the MDEQ with the legal authority under state law to carry out the Michigan SIP. The MDEQ retains the authority to adequately enforce the Michigan SIP. As discussed in the section addressing Section 110(a)(2)(C), Michigan's PSD regulations provide the state with adequate resources to permit GHG sources consistent with the federal Tailoring Rule thresholds. A copy of Executive Reorganization Order 2011-1 can be found in attachment A.

Section 110(a)(2)(E)(ii) requires each SIP to contain provisions that comply with the state board requirements of Section 128 of the CAA. That provision contains two explicit requirements: (i) that any board or body which approves permits or enforcement orders under this chapter shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits and enforcement orders under this chapter, and (ii) that any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

The authority to approve air permits and enforcement orders rests with the MDEQ Director and his designee under MCL 324.5503, MCL 324.301(b), Executive Order No. 1995-18 and letters of delegation of authority from the MDEQ Director to the AQD Chief and various AQD supervisors. A copy of the delegations of authorities from the MDEQ Director to the AQD Chief and AQD supervisors can be found in attachment A.

To clarify, Michigan does not have a state board that approves permits or enforcement orders, so only the second requirement of Section 128 applies, i.e., the adequate disclosure of potential conflicts of interest. Civil Service Rule 2-8(a)(1) specifies that at least annually, an employee shall disclose to the employee's appointing authority all personal or financial interests of the employee or members of the employee's immediate family in any business or entity with which the employee has direct contact while performing official duties as a classified employee. By definition, in Civil Service Rule 1-9.1, the above named individuals at MDEQ are subject to this rule. MDEQ requests that Civil Service Rule 2-8(a)(1) be incorporated into the SIP as meeting the general requirements of Section 128 of the Clean Air Act. As the state board requirements of Section 128 are not NAAQS specific, we also request that this rule meets the applicable infrastructure SIP requirements found in Section 110(a)(2)(E)(ii) for the NAAQS referenced in this rulemaking as well as any other infrastructure SIP submittals for which EPA has yet to take final action, e.g., the 2006 PM<sub>2.5</sub> NAAQS and the 2008 Lead NAAQS. A copy of Civil Service Rule 2-8(a)(1) can be found in attachment B.

#### **Section 110(a)(2)(F): Stationary source monitoring and reporting**

*"Each such plan shall [...] require, as may be prescribed by the Administrator:*

*(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,*

*(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and*

*(iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this chapter, which reports shall be available at reasonable times for public inspection."*

Under the authority of MCL 324.5512 and MCL 324.5503 of Act 451, the MDEQ implements a stationary source monitoring and reporting program. The MDEQ requires stationary source performance testing, sampling and reporting as provided in R 336.2001 through R 336.2199 and as conditions of NSR permits. R 336.2101 through R 336.2199 provides requirements for continuous emissions monitoring (CEM), and R 336.201 through R 336.202 requires annual reporting of emissions, as required in 40 C.F.R. section 51.211, 40 C.F.R. section 51.321 through 51.323, and 40 C.F.R. part 51, subpart A. In addition, MDEQ compliance and enforcement personnel provide follow up on stack tests and CEMs that indicate violations.

The emissions data is compiled and submitted to the EPA National Emissions Inventory system in accordance with EPA regulations at 40 C.F.R. part 51, subparts A and Q. There is no provision in the Michigan SIP preventing the use of credible data in these submissions to EPA. State air permits and reported emissions are available to the public by request and on-line at [www.michigan.gov/deqair](http://www.michigan.gov/deqair).

**Section 110(a)(2)(G): Emergency episodes**

*"Each such plan shall [...] provide for authority comparable to that in section 7603 of this title and adequate contingency plans to implement such authority."*

MCL 324.5518 of Act 451 provides authority for the MDEQ to require the immediate discontinuation of air contaminant discharges that constitute an imminent and substantial endangerment to the public health, safety, or welfare, or to the environment. MCL 324.5530 provides for civil action by the Michigan Attorney General for a violation as described in MCL 324.5518. Where excess emissions have been identified, the MDEQ has taken immediate steps to curtail emissions, notify the public and involve public health officials. Enforcement actions have also been pursued. The MDEQ has adequate authority and resources to immediately address any NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, or Ozone emergency episodes.

The MDEQ requests exemption from the contingency plan requirements, under 40 C.F.R. section 51.152(d), for all areas in the state because they are designated attainment, unclassifiable, or a Priority III region, with the exception of the Metropolitan Detroit-Port Huron Area for SO<sub>2</sub>. The MDEQ will submit contingency plans for this area in our SO<sub>2</sub> Attainment Demonstration SIP submittal in 2015.

**Section 110(a)(2)(H): SIP revisions**

*"Each such plan shall [...] provide for revision of such plan:*

*(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and*

*(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter."*

MCL 324.5512 and MCL 324.5503 of Act 451 provide authority to the department to promulgate rules for controlling or prohibiting air pollution, complying with the federal CAA, and establishing suitable emission standards consistent with NAAQS established by the EPA.

Further, under MCL 324.5503 of Act 451, the MDEQ is the agency in Michigan designated to cooperate with the EPA, including by respond to the EPA findings of inadequacy regarding the Michigan SIP and the air quality program.

**Section 110(a)(2)(I): Plan revisions for nonattainment areas**

*"Each such plan shall [...] in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to nonattainment areas)."*

The MDEQ will submit NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, and Ozone nonattainment SIP plans on the schedule set out in Part D of the CAA, as required.

**Section 110(a)(2)(J): Consultation with government officials, public notification, and PSD and visibility protection**

*“Each such plan shall [...] meet the applicable requirements of section 121 of this title (relating to consultation), section 127 of this title (relating to public notification), and part C of this subchapter (relating to prevention of significant deterioration of air quality and visibility protection).”*

The MDEQ consults with stakeholders from local governments, the business community, community groups, Federal Land Managers and Tribal Nations during rule development, SIP planning, and permit issuance. Federal Land Managers are provided with notification of permit applications that may impact air quality and visibility in Class I areas, as required by R 336.2816.

MCL 324.5503 designates the MDEQ as the Michigan agency to cooperate with appropriate agencies of the federal government or other states, interstate and international agencies on air pollution control activities. The MDEQ is also an active member of the Lake Michigan Air Directors Consortium which involves state and local governments, businesses and community groups in the Lake Michigan area in air quality planning activities. Formal memorandums of understanding have been developed for processes involving transportation conformity and regional planning with state and local governments. Also, draft permits and consent orders are subjected to the public participation process specified in MCL 324.5511(3).

Under R 336.2817, the MDEQ seeks comments on PSD applications from public in the area near the proposed source, other state and local air pollution control agencies, chief executives of cities and counties, regional land use planning agencies, Federal Land Managers, and nearby states or tribal governing bodies whose land may be affected. The MDEQ has an EPA approved PSD program which includes all regulated pollutants and is previously addressed above. Insofar as those provisions satisfy the applicable requirements of those Sections, the MDEQ intends the same provisions to satisfy the applicable requirements of this Section.

The MDEQ notifies the public if NAAQS are exceeded, of any public health hazards associated with those exceedances, and to enhance public awareness of air quality issues through CleanAirAction!, AirNow, and EnviroFlash programs. The MDEQ also posts current air quality concentrations on the MDEQ website to enhance public awareness of air quality. On an annual basis, the MDEQ publishes an air quality report that describes the air monitoring data collected the previous calendar year and compares it to the NAAQS.

The visibility sub-element of Element J is not being addressed in this SIP submittal, and in accordance with the EPA's interpretation of the CAA, addressing this element is not required.

**Section 110(a)(2)(K): Air quality modeling and submission of modeling data**

*“Each such plan shall [...] provide for:*

*(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and*

*(ii) the submission, upon request, of data related to such air quality modeling to the Administrator.”*

Through R 336.1240 and R 336.1241, the MDEQ conducts modeling to evaluate proposed sources under the PSD and minor NSR programs. The MDEQ also performs modeling to support SIP development and has the capability to perform source-oriented dispersion modeling with AERMOD to assess pollutant impacts. This modeling includes predicting the effect the source will have on ambient air quality for all NAAQS and is conducted in accordance with the EPA modeling guidelines in 40 CFR part 51, appendix W.

The MDEQ, under MCL 324.5503 of Act 451, is the agency in Michigan designated to work with the EPA and submit any requested modeling data to the EPA. The MDEQ does submit upon request, modeling data, to the EPA or other interested parties.

**Section 110(a)(2)(L): Permitting fees**

*"Each such plan shall [...] require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover:*

*(i) the reasonable costs of reviewing and acting upon any application for such a permit, and*

*(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),*

*until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter V of this chapter."*

The MDEQ collects permitting fees under its EPA approved Title V program. Section 324.5522 of Act 451 confers upon MDEQ the authority to levy and collect an annual air quality fee from owners or operators of each fee-subject facility in Michigan as defined in MCL 324.5501

**Section 110(a)(2)(M): Consultation/participation by affected local entities**

*"Each such plan shall [...] provide for consultation and participation by local political subdivisions affected by the plan."*

The MDEQ regularly involves local political subdivisions in attainment planning and decision-making as stated above in this Section. The MDEQ actively participates in planning forums with regional government planning organizations and establishes stakeholder workgroups in development of rules addressing air pollution. Public comment periods, and hearings if requested, are held for all proposed revisions to the Michigan SIP, as required by 40 C.F.R., Part 51. Promulgation of state administrative rules are also subject to the notice and hearing requirements of the Michigan Administrative Procedures Act, 1969 PA 306, as amended, and are authorized in MCL 324.5512.



# ATTACHMENT A



STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR

JOHN ENGLER  
GOVERNOR

**EXECUTIVE ORDER**  
**No. 1995 - 18**

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY**

**MICHIGAN DEPARTMENT OF NATURAL RESOURCES**

**EXECUTIVE REORGANIZATION**

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Article V, Section 8, of the Constitution of the State of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided in the Constitution; and

WHEREAS, the people of the State of Michigan have consistently demonstrated the importance they place on both natural resource management and protection of Michigan's unique environmental qualities; and

WHEREAS, maintaining a quality environment and sound management of our unique natural resources are of paramount importance to the Governor of the Great Lakes State; and

WHEREAS, natural resource management and environmental regulatory programs face a growing number of challenges to ensure that Michigan's quality of life is enhanced for current and future generations; and

WHEREAS, events have demonstrated the need to address environmental issues on a watershed basis and place additional focus on nonpoint sources of pollution; and

WHEREAS, environmental protection and resource management often have competing priorities that can best be addressed if these critical functions have cabinet level status as separate departments; and

WHEREAS, certain functions, duties and responsibilities currently assigned to the Michigan Department of Natural Resources can be more effectively carried out by the director of a new principal department; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

1. The Michigan Department of Environmental Quality is created as a principal department within the Executive Branch.
2. The Director of the Michigan Department of Environmental Quality shall be appointed by the Governor and shall serve at the pleasure of the Governor.
3. All the statutory authority, powers, duties, functions and responsibilities of the:
  - a. Air Quality Division, including but not limited to the authority, powers, duties, functions and responsibilities set forth in Act No. 451 of the Public Acts of 1994, as amended, being Section 324.5501 et seq. of the Michigan Compiled Laws;
  - b. Environmental Response Division, including but not limited to the authority, powers, duties, functions and responsibilities set forth in Act No. 451 of the Public Acts of 1994, as amended, being Section 324.20101 et seq. of the Michigan Compiled Laws;
  - c. Environmental Assistance Division, including but not limited to the authority, powers, duties, functions and responsibilities set forth in Act No. 451 of the Public Acts of 1994, as amended, being Sections 324.3101 et seq., 324.4101 et seq., 324.4901 et seq., 324.5301 et seq., 324.5701 et seq., 324.14301 et seq. and 324.14501 et seq. of the Michigan Compiled Laws;
  - d. Surface Water Quality Division, including but not limited to the authority, powers, duties, functions and responsibilities set forth in Act No. 451 of the Public Acts of 1994, as amended, being Section 324.3101 et seq., 324.4101 et seq., 324.4301 et seq. and 324.5101 et seq. of the Michigan Compiled Laws;
  - e. Underground Storage Tank Division, including but not limited to the authority, powers, duties, functions and responsibilities set forth in Executive Order 1994-4 and Act No. 451 of the Public Acts of 1994,

as amended, being Sections 324.21101 et seq., 324.21301 et seq. and 324.21501 et seq. of the Michigan Compiled Laws;

f. Waste Management Division, including but not limited to the authority, powers, duties, functions and responsibilities set forth in Act No. 451 of the Public Acts of 1994, as amended, being Sections 324.3101 et seq., 324.5101 et seq., 324.11101 et seq., 324.11301 et seq., 324.11501 et seq., 324.11701 et seq., 324.12101 et seq., 324.14701 et seq., 324.16101 et seq., 324.16301 et seq., 324.16501 et seq., 324.16701 et seq., 324.16901 et seq., 324.17101 et seq. and 324.19101 et seq. of the Michigan Compiled Laws;

g. Office of Administrative Hearings, including but not limited to the authority, powers, duties, functions and responsibilities set forth in Executive Order 1995-4;

h. Office of the Great Lakes, including but not limited to the authority, powers, duties, functions and responsibilities set forth in Act No. 59 of the Public Acts of 1995, being Sections 324.32903, 324.32904 and 324.33101 et seq. of the Michigan Compiled Laws;

I. Coordinator of Environmental Education, including but not limited to the authority, powers, duties, functions and responsibilities set forth in Act No. 310 of the Public Acts of 1994, being Section 299.34 of the Michigan Compiled Laws; and

j. Environmental Education Advisory Committee, including but not limited to the authority, powers, duties, functions and responsibilities set forth in Act No. 310 of the Public Acts of 1994, being Section 299.35 of the Michigan Compiled Laws

of the Michigan Department of Natural Resources, are hereby transferred to the Director of the Michigan Department of Environmental Quality by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

4. All the statutory authority, powers, duties, functions and responsibilities of the Environmental Investigations Unit of the Law Enforcement Division of the Michigan Department of Natural Resources are transferred to the Director of the Michigan Department of Environmental Quality by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

5. All the statutory authority, powers, duties, functions and responsibilities of the Geological Survey Division, including but not limited to the relevant authority, powers, duties, functions and responsibilities set forth in Chapter 3 of Act No. 57 of the Public Acts of 1995, with the exception of the geological resource evaluation and mapping program and the groundwater database program of the

Michigan Department of Natural Resources, are transferred to the Director of the Michigan Department of Environmental Quality by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

6. All the statutory authority, powers, duties, functions and responsibilities of the Land and Water Management Division, including but not limited to the authority, powers, duties, functions and responsibilities set forth in Act No. 59 of the Public Acts of 1995, being Sections 324.30101 et seq., 324.30301 et seq., 324.30701 et seq., 324.32301 et seq., 324.32501 et seq., 324.33701 et seq. and 324.35301 et seq., of the Michigan Compiled Laws, with the exception of the farmland and open space preservation program, natural rivers program, and the Michigan information resource inventory system of the Michigan Department of Natural Resources, are transferred to the Director of the Michigan Department of Environmental Quality by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

7. All authority to make decisions regarding administrative appeals associated with the transfers referred to in paragraphs 3, 5 and 6 above, which reside with the Commission of Natural Resources or the Michigan Department of Natural Resources, are transferred to the Director of the Michigan Department of Environmental Quality. In the event the Director is directly involved in an initial decision which is subsequently appealed through the Office of Administrative Hearings and to the Director for a decision, the Director shall appoint an individual within or outside the Michigan Department of Environmental Quality to decide the appeal.

8. All authority to establish general policies associated with the functions transferred in paragraphs 3, 4, 5 and 6 above, which reside with the Commission of Natural Resources or the Michigan Department of Natural Resources, are transferred to the Director of the Michigan Department of Environmental Quality.

9. All authority related to paragraphs 3, 4, 5 and 6 above, which reside with the Director, the Office of Director, the Deputy Director of Environmental Protection or the Office of the Deputy Director of Environmental Protection of the Michigan Department of Natural Resources, are transferred to the Director of the Michigan Department of Environmental Quality. This transfer shall specifically include the authority, duties, powers, functions and responsibilities of the Director of the Department of Natural Resources and/or the Department of Natural Resources set forth in Act No. 57 of the Public Acts of 1995, being Section 324.61501 et seq. of the Michigan Compiled Laws.

10. The Director of the Michigan Department of Environmental Quality shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Department of Environmental Quality, and all related prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications,

shall be transferred to the Director of the Michigan Department of Environmental Quality consistent with Executive Order 1995-6.

11. The Director of the Michigan Department of Environmental Quality may perform a duty or exercise a power conferred by law or this Order upon the Director of the Michigan Department of Environmental Quality at the time and to the extent the duty or power is delegated to the Director of the Michigan Department of Environmental Quality by law or by this Order.

12. The Director of the Michigan Department of Environmental Quality may by written instrument delegate a duty or a power conferred by law or this Order and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director.

13. Decisions made by the Director of the Michigan Department of Environmental Quality or persons to whom the Director has lawfully delegated decision-making authority, pursuant to this Order relating to natural resource management or environmental protection, shall be final when reduced to writing and delivered to all affected persons, unless otherwise provided by law.

14. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available to or to be made available to the activities, powers, duties, functions and responsibilities transferred to the Michigan Department of Environmental Quality by this Order are transferred to the Michigan Department of Environmental Quality.

15. The Directors of the Michigan Department of Natural Resources and the Michigan Department of Environmental Quality shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

16. The Director of the Michigan Department of Natural Resources and the Deputy Director for Environmental Protection of the Michigan Department of Natural Resources shall immediately initiate coordination to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Department of Environmental Quality.

17. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

18. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective October 1, 1995, at 12:01 a.m.

Given under my hand and the Great Seal of the State of Michigan this 31st day of July, in the Year of our Lord, One Thousand Nine Hundred Ninety-Five.



John Engle  
GOVERNOR

BY THE GOVERNOR:

Caroline A. Miller  
SECRETARY OF STATE

Filed with Secretary of State  
on 8-1-95 at 10:35 am

02874

FILED  
MICH DEPT OF STATE  
JULY 31  
~~APR 11~~ 1995

SECRETARY OF STATE




**MICHIGAN DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT**

**INTEROFFICE COMMUNICATION**

**EXECUTIVE ORDER 2009-45  
DELEGATION LETTER**

Letter No.: AQD-55-02  
Effective Date: October 1, 1995  
Revised Date: May 14, 2001  
Revised Date: August 23, 2010

TO: All Unit Supervisors

FROM: Rebecca A. Humphries, Director 

SUBJECT: Delegation Pursuant to Executive Order 2009-45 and Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended (Act 451) - New Source Review (Permit to Install) Program

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 55, as outlined below, unless circumstances in individual cases warrant a decision at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute and rules. Authorities, powers, duties, functions, and responsibilities of Part 55 that are reserved for the director or a deputy director of the Department of Natural Resources and Environment (DNRE) and not delegated are at the end of this document.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or power delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
1. Authority to approve or deny state and federal permits to install not involving substantial and relevant unresolved issues.	MCL 324.5503(b) and (c) MCL 324.5505(1) MCL 324.5510 R 336.1201(1) and (2) R 336.1205 R 336.1206(2) R 336.1207(1)	AQD Permit Section Supervisor
2. Authority to approve or deny state and federal permits to install involving substantial and relevant unresolved issues.	MCL 324.5503(b) and (c) MCL 324.5505(1) MCL 324.5510 R 336.1201(1) and (2) R 336.1205 R 336.1206(2) R 336.1207(1)	Deputy Director of the Department of Natural Resources and Environment (DNRE), Chief of the AQD, or Assistant Chief of the AQD
3. Format and content of permit application form.	R 336.1201a(2) R 336.1203(1)	AQD Permit Section Supervisor

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
4. Authority to establish emissions standards or other conditions as part of issuing a permit.	MCL 324.5503(b) R 336.1201(3)	AQD Permit Decision Maker
5. Authorize extensions beyond 18 months after permit issuance for commencement of construction.	R 336.1201(4) R 336.2810(4)	AQD Permit Decision Maker
6. Determine that permitted process or process equipment has been permanently shut down.	R 336.1201(5)	AQD District Supervisor
7. Authority to void permits to install.	R 336.1201(4)-(6)	AQD Permit Section Supervisor
8. Revoke a permit to install consistent with Section 5510 of the Act.	MCL 324.5510 R 336.1201(8)	Deputy Director of the DNRE or Chief of the AQD
9. Approve the use of a general permit to install.	MCL 324.5505(4) R 336.1201a(1)	Deputy Director of the DNRE or Chief of the AQD
10. Grant terms and conditions on approved general permit to install to a specific source.	R 336.1201a(1) and (2)	AQD Permit Section Supervisor
11. Determine that a source did not qualify to use the general permit to install.	R 336.1201a(1)	AQD District Supervisor or Permit Section Supervisor
12. Maintain a list of permit applications, general permits to install issued to specific sources, and those registered to limit potential to emit; make available possible emission offset information.	MCL 324.5511(1) R 336.1201a(3) R 336.1208a(13) MCL 324.5505(2)	AQD Permit Section Supervisor
13. Approve a waiver to proceed with construction.	R 336.1202	AQD District Supervisor
14. Authority to require information regarding an application for a permit to install or to limit potential to emit.	R 336.1203(1)(a)-(f), (h) R 336.1203(2)-(3) R 336.1208a(6) R 336.2814	All AQD Staff Evaluating Permits
15. Authority to require information necessary for the preparation of an environmental impact statement.	R 336.1203(1)(g)	Deputy Director of the DNRE
16. Authority to approve an averaging time greater than 1 month.	R 336.1205(1)(a)	AQD Permit Decision Maker
17. Authority to notify the applicant of the receipt and completeness of the application or registration form.	R 336.1206(1) R 336.1208a(3)	All AQD Staff Evaluating Permits or Registrations

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
18. Authority to deny an application for a permit to install based on lack of information.	MCL 324.5503(c) R 336.1207(1)(d)	AQD Permit Unit Supervisors
19. Authority to issue a source-wide permit to install concurrent with ROP issuance or renewal.	R 336.1214a(1)	AQD District Supervisor
20. Authority to approve demonstration that a new emissions unit under a plant-wide applicability limitation (PAL) will not cause a meaningful change in the nature or quantity of toxic air contaminants.	R 336.1277(a)	AQD District Supervisor
21. Authority to request process or process equipment owner to demonstrate the applicability of a permit to install exemption.	R 336.1278a(1)	AQD Permit Section or District Supervisor
22. Authority to require adjustment to a fugitive dust plan for a concrete batch plant.	R 336.1289(d)(vii)(E)	AQD District Supervisor
23. Request and inspect records of material use and calculations identifying the quality, nature, and quantity of air contaminant emissions.	R 336.1290(d)	All AQD Permit Section and AQD District Staff
24. Authority to allow use of a different time period to set the baseline actual emission rate.	R 336.2801(b)(i)	All AQD Permit Section Staff
25. Authority to rescind a PM <sub>10</sub> minor source baseline date.	R 336.2801(bb)(iv)	AQD Permit Section Supervisor
26. Authority to set a notification time period of less than 10 days for relocation of a portable stationary source.	R 336.2809(1)(c)(iv)	AQD District Supervisor
27. Authority to exempt, require, or reduce the duration of air quality monitoring required prior to submittal of a permit to install application or post-construction.	R 336.2809(5) R 336.2813(1) and (2)	AQD Permit Decision Maker
28. Notify EPA, other state air agencies, the applicant and the public of a major source permit application, AQD's preliminary determination, opportunity for comment, and the final determination.	R 336.2816(1) R 336.2817(2)	AQD Permit Section Supervisor

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
29. Determine if we concur with federal land manager demonstration.	R 336.2816(2)	AQD Permit Decision Maker
30. Issue a permit for a proposed or modified source exceeding Class 1 area allowable concentration increases.	R 336.2816(3) and (4)	AQD Permit Decision Maker
31. Provide opportunity for public hearing and consider comments.	R 336.2817(2)	AQD Permit Decision Maker
32. Make final determination; approve, approve with conditions, or disapprove application.	R 336.2817(2)	AQD Permit Decision Maker
33. Authority to request records related to reasonable possibility provisions of R 336.2818(3) or R 336.2902(6).	R 336.2818(4) R 336.2902(7)	AQD District and Permits Staff
34. Authority to approve or withdraw an approval to use innovative control technology.	R 336.2819(2) and (3)	AQD Permit Decision Maker
35. Authority to approve the use of a PAL in a permit to install and reopen a PAL permit.	R 336.2823(2)(a) and (4) R 336.2823(8)(b) R 336.2907(2)(a), (4)(a), and (5)	AQD Permit Decision Maker
36. Authority to determine that PM <sub>10</sub> precursors from a major stationary source or major modification of PM <sub>10</sub> do not contribute significantly to PM <sub>10</sub> levels.	R 336.2908(7)	Chief of the AQD

**Exceptions to delegation:** None

This delegation will be in effect until further notice.


MICHIGAN DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

INTEROFFICE COMMUNICATION

EXECUTIVE ORDER 2009-45  
DELEGATION LETTER

Letter No.: AQD-55-14  
Effective Date: October 1, 1995  
Revised Date: May 8, 2001  
Revised Date: August 23, 2010

TO: All Unit Supervisors

FROM: Rebecca A. Humphries, Director 

SUBJECT: Delegation Pursuant to Executive Order 2009-45 and Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended (Act 451) – Renewable Operating Permits (ROP)

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 55, as outlined below, unless circumstances in individual cases warrant a decision at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute and rules. Authorities, powers, duties, functions, and responsibilities of Part 55 that are reserved for the director or a deputy director of the Department of Natural Resources and Environment (DNRE) and not delegated are at the end of this document.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or power delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
1. Authority to approve an authorized representative for a responsible official.	R 336.1118(j)(i)(B)	AQD District Supervisor
2. Determine that a source did not meet the criteria required for registration.	R 336.1208a(3)	AQD District Supervisor
3. Authority to request required records.	R 336.1208a(5)(b)	AQD District Staff
4. Authority to request additional information.	R 336.1208a(6)(b)	AQD District Staff

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
5. Determine whether an application for a ROP is administratively complete and provide notification to the applicant of all supplemental materials needed for an administratively complete application.	MCL 324.5507 R 336.1210(2)(a)	AQD District Supervisor or Assistant District Supervisor
6. Determine that an administratively complete application for a ROP requires additional technical information and request such information.	MCL 324.5506(17) R 336.1210(3)	All AQD Staff Evaluating Permits
7. Authority to approve an alternative schedule for a ROP application submittal.	R 336.1210(4)(g)	AQD Field Operations Supervisor
8. Authority to request information necessary to determine whether cause exists to modify, revise or revoke an ROP or to determine compliance with the permit.	R 336.1213(1)(e)	AQD District Supervisor
9. Authority to include in an ROP additional limits agreeable to both the applicant and the department.	R 336.1213(2)	AQD ROP Decision Maker
10. Determine that submission of progress reports (for a source not in compliance) should be more frequent than semi-annually.	R 336.1213(4)(b)	AQD ROP Permit Decision Maker
11. Determine that additional information should be included in a company's compliance certification.	R 336.1213(4)(c)(v)	AQD ROP Permit Decision Maker
12. Determine that specific requirements are not applicable to a stationary source, for purposes of the permit shield.	R 336.1213(6)(a)(ii)	AQD ROP Permit Decision Maker
13. Determine that an ROP should have a term of less than 5 years.	R 336.1213(7)	AQD ROP Permit Decision Maker
14. Determine that reasonably anticipated operating scenarios should be allowed for a stationary source.	R 336.1213(8)	AQD ROP Permit Decision Maker
15. Authority to approve ROPs and ROP renewals.	MCL 324.5506(4)(g) R 336.1214(7)	AQD District Supervisor
16. Authority to approve ROP administrative permit amendments, minor permit modifications, and significant permit modifications not involving substantial and relevant unresolved issues.	MCL 324.5506(4)(g) R 336.1216(1)(b)(i) R 336.1216(2)(c)(iii) R 336.1216(3)(d) R 336.1216(4)(c)	AQD District Supervisor or AQD Permit Section Supervisor

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
17. Authority to approve ROPs, ROP renewals, administrative permit amendments, minor permit modifications, and significant permit modifications involving substantial and relevant unresolved issues.	MCL 324.5506(4)(g) R 336.1214(7) R 336.1216(1)(b)(i) R 336.1216(2)(c)(iii) R 336.1216(3)(d) R 336.1216(4)(c)	Deputy Director of the Department of Natural Resources and Environment (DNRE), Chief of the AQD, or Assistant Chief of the AQD
18. Authority to deny or revoke ROPs, ROP renewals, administrative permit amendments, minor permit modifications, and significant permit modifications.	MCL 324.5506(4)(g) MCL 324.5510 R 336.1214(7) R 336.1216(1)(b)(i) R 336.1216(2)(c)(iii) R 336.1216(3)(d) R 336.1216(4)(c)	Deputy Director of the DNRE, Chief of the AQD, or Assistant Chief of the AQD
19. Authority to determine whether other changes to the permit are necessary in conjunction with an administrative permit amendment for a change of ownership or operational control.	R 336.1216(1)(a)(iv)	AQD District Supervisor
20. Determine whether an application for an administrative permit amendment provides an acceptable demonstration of compliance with the terms and conditions of the Permit to Install.	R 336.1216(1)(c)(i)	AQD District Supervisor
21. Authority to reopen a ROP.	MCL 324.5506(7) R 336.1217(2)	AQD ROP Permit Decision Maker
22. Authority to issue a general ROP.	MCL 324.5506(16) R 336.1218(1)	Chief of the AQD, or Assistant Chief of the AQD
23. Determine that a source does not qualify for an issued general ROP.	R 336.1218(1)	AQD District Supervisor
24. Maintain list of ROP applications and their status.	MCL 324.5511(1)	AQD District Supervisor

**Exceptions to delegation:** None

This delegation will be in effect until further notice.

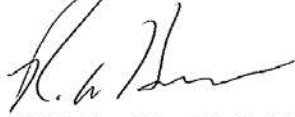
**MICHIGAN DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT**

**INTEROFFICE COMMUNICATION**

**EXECUTIVE ORDER 2009-45  
DELEGATION LETTER**

Letter No.: AQD-55-12  
Effective Date: October 1, 1995  
Revised Date: May 8, 2001  
Revised Date: August 23, 2010

TO: All Unit Supervisors

FROM: Rebecca A. Humphries, Director 

SUBJECT: Delegation Pursuant to Executive Order 2009-45 and Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended (Act 451) – Compliance and Enforcement

I hereby delegate all statutory authority, powers, duties, functions, and responsibilities of Part 55, as outlined below, unless circumstances in individual cases warrant a decision at a higher level. The powers and duties are delegated for the purposes of administering the program pursuant to statute and rules. Authorities, powers, duties, functions, and responsibilities of Part 55 that are reserved for the director or a deputy director of the Department of Natural Resources and Environment (DNRE) and not delegated are at the end of this document.

This delegation includes anyone acting in the capacity of the position named in the delegation below. Any authority or power delegated to a subordinate position may be exercised by a position higher in that position's chain of command on a case-by-case basis, as circumstances warrant.

Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
1. Authority to enter into consent orders or voluntary agreements.	MCL 324.5503(f) MCL 324.5518 MCL 324.5528	Chief of the AQD or Assistant Chief of the AQD
2. Authority to enter and inspect property to determine compliance.	MCL 324.5503(i) MCL 324.5526	AQD staff
3. Authority to investigate and act upon complaints regarding air pollution.	MCL 324.5503(j)	AQD staff
4. Authority to do such other things as necessary to enforce the Act, rules, permit and orders.	MCL 324.5503(u)	Chief of the AQD
5. Maintain a list of proposed consent order public notices.	MCL 324.5511(2)	AQD Enforcement Unit Supervisor



Description of Authority or Responsibility	Authority	Authority or Responsibility Delegated To:
6. Authority to order immediate shut-down if there is imminent and substantial endangerment to public health, safety, or welfare.	MCL 324.5518	Deputy Director of the DNRE or Chief of the AQD
7. Assess administrative fine for violations of Act, rule, permit requirement, or terms of an order.	MCL 324.5529	Chief of the AQD or Assistant Chief of the AQD
8. Authority to suspend enforcement to an individual or company.	MCL 324.5535	Chief of the AQD
9. Authority to grant, revoke or modify variances to the requirements of the act.	MCL 324.5536 MCL 324.5537 MCL 324.5538 MCL 324.5539	Chief of the AQD
10. Authority to enforce the act in areas where local governments fail to implement local ordinances.	MCL 324.5542	Chief of the AQD
11. Authority to provide public notice of proposed and final declaratory rulings.	R 336.2606(3)	Chief of the AQD
12. Authority to issue a declaratory ruling.	R 336.2607	Chief of the AQD

**Exceptions to delegation:** The authority to institute court proceedings to compel compliance and bring appropriate legal action to enforce the Act and rules will not be delegated and will remain with the Director of the DNRE.

This delegation will be in effect until further notice.

# ATTACHMENT B

## **2-8 Ethical Standards and Conduct**

### **2-8.1 Ethical Conduct Required**

Employment in the state classified service demands a high degree of loyalty and imposes high ethical standards on employees to ensure the integrity of state government and maintain effective services. All employees must meet these ethical standards and all appointing authorities are obligated to enforce these ethical standards.

October 1, 2013 Michigan Civil Service Commission Rules